

REMARKS

Drawings and Specification

The Examiner stated that claims 43 and 44 were neither supported by the specification nor shown in the drawings. Although Applicant respectfully disagrees, Applicant has accordingly respectfully cancelled claims 43 and 44. Therefore, the Applicant has not amended the specification and the drawings since the objections to the drawings and specification are now moot. Yet, in any event, the Applicant reserves itself the right to file divisional, continuation or continuation-in-part applications based on the embodiment of claims 43 and 44.

Claims

Claims 39, 40, 42, 45 and 48-57 are pending in the application. No new matter has been added.

Claims Objections

The Examiner has found a series of informalities in claims 4, 16, 22, 43-45 and 48. Since claims 4, 16, 22, 43 and 44 are currently cancelled, the objection is now moot. However, the informalities contained in claims 45 and 48 have been duly corrected. No new matter was added.

Claims Rejection - 35 USC § 112

Claims 43 and 44 have been rejected under 35 U.S.C § 112, second paragraph, for failing to point out and distinctly claim the subject matter which is regarded as the invention. More particularly, the Examiner has found that it is unclear how the plate recited in claim 43 can be simultaneously statically mounted and pivotally mounted to the ski.

The Applicant has respectfully cancelled claims 43 and 44. Yet, the Applicant reserves itself the right to file divisional, continuation or continuation-in-part applications based on the embodiment of claims 43 and 44.

Claims Rejection - 35 USC § 102

Under 35 USC § 102(b), the Examiner has rejected claims 3, 7, 15, 19, 23 and 31 as being anticipated by the U.S. Pat. No. 4,779,891 granted to Freisinger et al. (hereinafter "Freisinger") and claim 43 as being anticipated by the U.S. Pat. No. 4,679,815 granted to Pascal et al. (hereinafter "Pascal").

The Applicant respectfully cancels claims 3, 7, 15, 19, 23, 31 and 43 without prejudice.

In re: David Dodge
Filed: January 30, 2001
Serial No.: 09/774,351
Page 19

Claims Rejection - 35 USC § 103

Under 35 USC § 103(a), the Examiner has rejected claims 4, 16, 20 and 32 as being unpatentable over Freisinger in view of the U.S. Pat. No. 3,944,237 granted to Teague, Jr. (hereinafter "Teague"), claims 8, 21, 24, and 46 as being unpatentable over Freisinger in view of the U.S. Pat. No. 5,040,819 granted to Horn (hereinafter "Horn") and claim 22 as being unpatentable over Freisinger in view of Horn and in further view of Teague.

The Applicant respectfully cancels claims 4, 8, 16, 20, 21, 22, 24, 32 and 46 without prejudice.

Allowable Subject Matter

Applicant appreciates the Examiner's indication that claims 39, 40, 42, 45 and 48 are allowable. Furthermore, the Examiner has stated that claims 25-28, 33-36 and 47 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

New Claims

Based upon the fact that the Examiner would allow claims 25-28, 33-36 and 47 if rewritten in independent form including all of

the limitations of the base claim and any intervening claims, the Applicant is hereby respectfully submitting new claims 49-57.

- Claim 49 is the equivalent of claim 25 including all of the limitations of the base claim 3 and the intervening claims 7 and 23.
- Claim 50 is the equivalent of claim 27 including all of the limitations of the base claim 3 and the intervening claim 7.
- Claim 51 is the equivalent of claim 26 including all of the limitations of the base claim 3 and the intervening claims 21, 8 and 24.
- Claim 52 is the equivalent of claim 28 including all of the limitations of the base claim 3 and the intervening claims 21 and 8.
- Claim 53 is the equivalent of claim 33 including all of the limitations of the base claim 15 and the intervening claims 19 and 31.
- Claim 54 is the equivalent of claim 34 including all of the limitations of the base claim 15 and the intervening claims 16, 20 and 32. Claim 54 has however been written as a dependent claim depending on claim 53. The reason for this is that the only difference between claims 33 and 34 is the limitation of claim 16 (claims 19 and 20 are equivalent, claims 31 and 32 are equivalent and claims 33 and 34 are also equivalent). Thus, even if written as a dependent claim, claim 54 is really equivalent to claim 34 including all of the limitations of the base claim 15 and the intervening

claims 16, 20 and 32.

- Claim 55 is the equivalent of claim 35 including all of the limitations of the base claim 15 and the intervening claim 19.
- Claim 56 is the equivalent of claim 36 including all of the limitations of the base claim 15 and the intervening claims 16 and 20. Claim 56 has however been written as a dependent claim depending on claim 55. The reason for this is that the only difference between claims 35 and 36 is the limitation of claim 16 (claims 19 and 20 are equivalent and claims 35 and 36 are also equivalent). Thus, even if written as a dependent claim, claim 56 is really equivalent to claim 36 including all of the limitations of the base claim 15 and the intervening claims 16 and 20.
- Claim 57 is the equivalent to claim 47 including all of the limitations of the base claim 3.

Any informalities, kindly pointed out by the Examiner, which appeared in base or intervening claims have been duly corrected. No new matter was added.

In view of the above, the Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

In re: David Dodge
Filed: January 30, 2001
Serial No.: 09/774,351
Page 22

Fees

A check is enclosed for the appropriate fees including extension of time fees. If any other fees whatsoever are due, the United States Patent and Trademark Office is hereby authorized to charge any such additional fees or refund excess fees paid to our Deposit Account no. 02-3285.

Respectfully submitted,

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